

**625.050 Petition.**

- (1) A petition for involuntary termination of parental rights shall be entitled "In the interest of ..., a child."
- (2) The petition shall be filed in the Circuit Court for any of the following counties:
  - (a) The county in which either parent resides or may be found;
  - (b) The county in which juvenile court actions, if any, concerning the child have commenced; or
  - (c) The county in which the child involved resides or is present.
- (3) Proceedings for involuntary termination of parental rights may be initiated upon petition by the cabinet, any child-placing agency licensed by the cabinet, any county or Commonwealth's attorney or parent.
- (4) The petition for involuntary termination of parental rights shall be verified and contain the following:
  - (a) Name and mailing address of each petitioner;
  - (b) Name, sex, date of birth and place of residence of the child;
  - (c) Name and address of the living parents of the child;
  - (d) Name, date of death and cause of death, if known, of any deceased parent;
  - (e) Name and address of the putative father, if known by the petitioner, of the child if not the same person as the legal father;
  - (f) Name and address of the person, cabinet or agency having custody of the child;
  - (g) Name and identity of the person, cabinet or authorized agency to whom custody is sought to be transferred;
  - (h) Statement that the person, cabinet or agency to whom custody is to be given has facilities available and is willing to receive the custody of the child;
  - (i) All pertinent information concerning termination or disclaimers of parenthood or voluntary consent to termination;
  - (j) Information as to the legal status of the child and the court so adjudicating; and
  - (k) A concise statement of the factual basis for the termination of parental rights.
- (5) No petition may be filed under this section prior to five (5) days after the birth of the child.
- (6) No petition may be filed to terminate the parental rights of a woman solely because of her use of a nonprescribed controlled substance during pregnancy if she enrolls in and maintains substantial compliance with both a substance abuse treatment or recovery program and a regimen of prenatal care as recommended by her health care practitioner throughout the remaining term of her pregnancy. Upon certified completion of the treatment or recovery program, or six (6) months after giving birth during which time substantial compliance with a substance abuse treatment or recovery program has occurred, whichever is earlier, any records maintained by a court or by the cabinet relating to a positive test for a nonprescribed controlled

substance shall be sealed by the court and may not be used in any future criminal prosecution or future petition to terminate the woman's parental rights.

- (7) Any petition filed pursuant to this section shall be fully adjudicated and a final judgment shall be entered by the court within six (6) months of the service of the petition on the parents.

**Effective:** July 14, 2018

**History:** Amended 2018 Ky. Acts ch. 159, sec. 41, effective July 14, 2018. -- Amended 2015 Ky. Acts ch. 66, sec. 20, effective March 25, 2015; and ch. 82, sec. 2, effective June 24, 2015. -- Amended 1988 Ky. Acts ch. 350, sec. 70, effective April 10, 1988. -- Created 1986 Ky. Acts ch. 423, sec. 101, effective July 1, 1987.